

RIEMER & ASSOCIATES LLC
Attorneys for Plaintiff
60 East 42nd Street, Suite 1750
New York, New York 10165
(212) 297-0700
sriemer@riemerlawfirm.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
VINCENT RAGONE,

Plaintiff,

-against-

AETNA LIFE INSURANCE COMPANY,

Defendant.
-----X

13 CV 04604 (KPF)(KNF)

MOTION TO DETERMINE
STANDARD OF REVIEW

ECF Case

PLEASE TAKE NOTICE that, upon the accompanying Affirmation of Scott M. Riemer, dated December 4, 2013, and the exhibits annexed thereto, the Memorandum of Law simultaneously filed herewith and upon all prior pleadings and hearings previously had herein, plaintiff will move this Court before the Honorable Katherine P. Failla, at the United States Courthouse, 500 Pearl Street, New York, New York, 10007, at a time designated by the Court, for an order declaring that the appropriate standard of review in this action is *de novo*.

Dated: New York, New York
December 4, 2013

RIEMER & ASSOCIATES LLC
Attorneys for Plaintiff
60 East 42nd Street, Suite 1750
New York, New York 10165
(212) 297-0700
sriemer@riemerlawfirm.com

By: /s/Scott M. Riemer
Scott M. Riemer (SR5005)

TO:

Michael H. Bernstein, Esq.
Sedgwick LLP
225 Liberty Street, 28th Floor
New York, New York 10004-2400
Tel.: (212) 422-0202
Fax: (212) 422-0925
michael.bernstein@sedgwicklaw.com
Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that on December 4, 2013, I served a true and complete copy of the foregoing MOTION TO DETERMINE STANDARD OF REVIEW by transmitting the same by electronic mail to the following individuals at the e-mail addresses indicated:

Michael H. Bernstein, Esq.
Sedgwick LLP
225 Liberty Street, 28th Floor
New York, New York 10004-2400
Tel.: (212) 422-0202
Fax: (212) 422-0925
michael.bernstein@sedgwicklaw.com
Attorneys for Defendants

I also certify that this document filed through the ECF system will be sent electronically to all registered participants on December 4, 2013.

Dated: New York, New York
December 4, 2013

/s/ Scott M. Riemer
Scott M. Riemer (SR 5005)
RIEMER & ASSOCIATES, LLC
60 East 42nd Street, Suite 1750
New York, New York 10165
(212) 297-0700
sriemer@riemerlawfirm.com